

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

PEAJE INVESTMENTS LLC,

Plaintiff(s),

-v-

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY, et al.,

Adv. Proc. No. 17-151-LTS
in 17 BK 3567 and 17-152-
LTS in 17 BK 3283

Defendant(s).
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ORDER GRANTING URGENT MOTION FOR SEALED TREATMENT OF DOCUMENTS

The Court has received and reviewed the *Corrected Urgent Motion for Sealed Treatment* (the “Motion”) filed by Plaintiff Peaje Investments LLC (“Peaje”) in the above-captioned adversary proceedings. Peaje consents to the unsealing of: (i) deposition testimony of

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Gabriel Schwartz referenced on pages 29-30 of Defendants' opposition brief and page 30 of Defendants' corrected opposition brief; (ii) the Schwartz deposition testimony at 99:6-25 and 165:23-167:24 of the transcript attached as Exhibit 1 to the Declaration of Bradley R. Bobroff; and (iii) the excerpts of the deposition testimony of Thomas Stanford that were included in support of Defendants' opposition brief (collectively, the "Non-Confidential Material"). Peaje requests continued sealed treatment for: (i) deposition testimony of Schwartz referenced on page 33 of Defendants' opposition brief and corrected opposition brief; (ii) the deposition testimony of Schwartz at 160:9-162:16 and the further portions attached as Exhibit 1 to the Declaration of Bradley R. Bobroff not included in the Non-Confidential Material (collectively, the "Confidential Material"). The Confidential Material is identified in Exhibits A and B to the Motion.

The Court finds that the common law and First Amendment rights of the public to access judicial records and documents are outweighed by the need to maintain the non-public status of the Confidential Material in light of the proffers in the Motion that the information in question is proprietary commercial information that would place Peaje at a competitive disadvantage, while its disclosure would provide limited benefit to the public in light of the material that has been placed on the public record in connection with the underlying motion practice. Accordingly, the Motion for continued sealed treatment of the Confidential Material is granted.

In light of Peaje's consent to the disclosure of the Non-Confidential Material, Counsel for the Defendants is directed to file a corrected version of their submissions with redactions consistent with the foregoing.

This Order resolves docket entry no. 728 in 17 BK 3283, docket entry nos. 127 and 129 in 17 AP 151, and docket entry nos. 119 and 121 in 17 AP 152.

SO ORDERED.

Dated: July 25, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge